

ing the property to a tenant. It was also plain that during all these years a reasonably substantial fence was maintained in such a way as to keep the lot continuously enclosed. The granting to one Brown of the right of placing a bill-board on the property and receiving rent therefor amounted to an assertion of ownership; and the bill-board was itself a notice to the world that some one was assuming to deal with the property, and was sufficient to put those interested upon inquiry.

In these circumstances, the payment of taxes and the maintenance of a fence were important considerations: *Campeau v. May* (1911), 2 O.W.N. 1420; *Piper v. Stevenson* (1913), 28 O.L.R. 379.

Upon the facts disclosed in evidence, it was clear that the plaintiff, by her husband and herself, had been in visible, open, continuous, and exclusive possession for more than the statutory period.

The land was originally acquired by the brothers as co-partners, joint tenants, or tenants in common. When, after the death of Benjamin, Josiah commenced to pay the taxes and leased the land, his possession became adverse to the claim of the heirs of Benjamin, and his possession and receipt of the rents would not enure to their benefit: *Limitations Act, R.S.O. 1914 ch. 75, sec. 12*; *Harris v. Mudie* (1882), 7 A.R. 414; *Dart on Vendors and Purchasers*, 7th ed., p. 451.

Judgment for the plaintiff without costs.

MIDDLETON, J., IN CHAMBERS.

SEPTEMBER 14TH, 1915.

*RE ISLER.

Evidence—Order for Examination of Person in Ontario—Testimony for Use in French Court—Letters Rogatory—Criminal Proceedings against Person Sought to be Examined—Difference between British and French Law—Canada Evidence Act, R.S.C. 1906 ch. 145, secs. 41, 45.

Motion on behalf of the Attorney-General for Ontario, under Part II. of the Canada Evidence Act, R.S.C. 1906 ch. 145, for an order for the examination of Carl Frederick Isler, a person at present in Ontario, whose testimony is desired by the Judge of Instruction of the Court of First Instance of the Department of

*This case and all others so marked to be reported in the Ontario Law Reports.